

**Introduced by Senator Alpert**

February 11, 1999

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An act to add Section 1367.63 to the Health and Safety Code, and to add Section 10123.89 to the Insurance Code, relating to health care coverage.

LEGISLATIVE COUNSEL'S DIGEST

SB 362, as introduced, Alpert. Health care coverage: ovarian cancer screening.

Under existing law, health care service plans are regulated by the Commissioner of Corporations and disability insurers are regulated by the Insurance Commissioner.

This bill would require every individual or group health care service plan contract, except a specialized health care service plan contract, and certain policies of disability insurance, issued, amended, or renewed on or after January 1, 2000, to be deemed to provide coverage for the screening and diagnosis of ovarian cancer, including, but not limited to, CA-125 blood testing, when medically necessary and consistent with good professional practice.

A willful violation of any of the provisions governing health care service plans is a crime. By creating this new requirement with respect to health care service plans, this bill would expand the scope of an existing crime, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1367.63 is added to the Health  
2 and Safety Code, to read:

3 1367.63. (a) Every individual or group health care  
4 service plan contract, except for a specialized health care  
5 service plan contract, that is issued, amended, or renewed  
6 on or after January 1, 2000, shall be deemed to provide  
7 coverage for the screening and diagnosis of ovarian  
8 cancer, including, but not limited to, CA-125 blood  
9 testing, when medically necessary and consistent with  
10 good professional practice.

11 (b) Nothing in this section shall be construed to  
12 establish a new mandated benefit or to prevent  
13 application of deductible or copayment provisions in a  
14 policy or plan, nor shall this section be construed to  
15 require that a policy or plan be extended to cover any  
16 other procedures under an individual or a group health  
17 care service plan contract. Nothing in this section shall be  
18 construed to authorize an enrollee to receive the services  
19 required to be covered by this section if those services are  
20 furnished by a nonparticipating provider, unless the  
21 enrollee is referred to that provider by a participating  
22 physician or nurse practitioner providing care.

23 SEC. 2. Section 10123.89 is added to the Insurance  
24 Code, to read:

25 10123.89. (a) Every individual or group policy of  
26 disability insurance that covers hospital, medical, or  
27 surgical benefits that is issued, amended, or renewed on  
28 or after January 1, 2000, shall be deemed to provide  
29 coverage for the screening and diagnosis of ovarian  
30 cancer, including, but not limited to, CA-125 blood  
31 testing, when medically necessary and consistent with  
32 good professional practice.

1 (b) Nothing in this section shall be construed to  
2 require that coverage under an individual or group policy  
3 be extended to any other procedures.

4 (c) This section shall not apply to specified accident,  
5 specified disease, hospital indemnity, Medicare  
6 supplement, or long-term care health insurance policies.

7 SEC. 3. No reimbursement is required by this act  
8 pursuant to Section 6 of Article XIII B of the California  
9 Constitution because the only costs that may be incurred  
10 by a local agency or school district will be incurred  
11 because this act creates a new crime or infraction,  
12 eliminates a crime or infraction, or changes the penalty  
13 for a crime or infraction, within the meaning of Section  
14 17556 of the Government Code, or changes the definition  
15 of a crime within the meaning of Section 6 of Article  
16 XIII B of the California Constitution.

